

NOTICE OF INDEPENDENT REVIEW DECISION

July 18, 2002

Re: IRO Case # M2-02-0729-01

Texas Worker's Compensation Commission:

___ has been certified as an independent review organization (IRO) and has been authorized to perform independent reviews of medical necessity for the Texas Worker's Compensation Commission (TWCC). Texas HB. 2600, Rule 133.308 effective January 1, 2002, allows a claimant or provider who has received an adverse medical necessity determination from a carrier's internal process, to request an independent review by an IRO.

In accordance with the requirement that TWCC assign cases to certified IRO's, TWCC assigned this case to ___ for an independent review. ___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. For that purpose, ___ received relevant medical records, any documents obtained from parties in making the adverse determination, and any other documents and/or written information submitted in support of the appeal.

The case was reviewed by a physician who is Board Certified in Neurological Surgery. He or she has signed a certification statement attesting that no known conflicts of interest exist between him or her and any of the treating physicians or providers, or any of the physicians or providers who reviewed the case for a determination prior to referral to ___ for independent review. In addition, the certification statement further attests that the review was performed without bias for or against the carrier, medical provider, or any other party to this case.

The ___ reviewer who reviewed this case has determined that, based on the medical records provided, the requested treatment is not medically necessary. Therefore, ___ agrees with the adverse determination regarding this case. The reviewer's decision and the specific reasons for it, is as follows:

History

This case involves a now 46-year-old male who developed pain in his low back on ___ while lifting 50 pounds. The pain persisted despite medication and physical therapy. On 8/28/00 a pain specialist recommended more physical therapy and chiropractic manipulations. Lack of improvement led to a 10/19/00 MRI of the lumbar spine showing multiple levels of degenerative disk disease changes, with the primary problem at the L4-5 level with retrolisthesis and a questionably surgically significant right-sided herniated nucleus pulposus.

Requested Service

Lumbar discogram with post CT scan at L2-3, L3-4, L4-5 and L5-S1

Decision

I agree with the carrier's decision to deny the requested multi-level discographic evaluation of the lumbar spine.

Rationale

A spinal surgery consultation may lead to the opinion that L4-5 are so likely to be the cause of the patient's difficulties that an operative procedure at that level, probably including discectomy and fusion, is necessary. Nothing in the records provided indicates what exact course is to be pursued depending on the results of the procedure. A spinal surgery consultation would be helpful in reaching conclusions as to the next logical therapeutic step to be taken.

This medical necessity decision by an Independent Review Organization is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision, a request for a hearing must be in writing, and it must be received by the TWCC Chief Clerk of Proceedings within **10** (ten) days of your receipt of this decision (28 Tex. Admin. Code 142.5(c)).

If disputing other prospective medical necessity (preauthorization) decisions, a request for a hearing must be in writing, and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin. Code 148.3).

This decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing should be sent to:
Chief Clerk of Proceedings, Texas Worker's Compensation Commission, P O Box 40669,
Austin, TX 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308(t)(2)).

Sincerely,
